

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CHRIS BENOIT,

Plaintiff,

v.

Defendant.

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Civil Action No. 11-37 Erie

MEMORANDUM ORDER

This action was received by the Clerk of Court on February 14, 2011 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on March 11, 2011 [ECF No. 5], recommended that the Plaintiff's case be dismissed for failure to prosecute. Plaintiff was allowed fourteen (14) days from the date of service to file objections to the Report and Recommendation and service was made on Plaintiff by certified mail. Plaintiff filed objections on March 15, 2011 [ECF No. 6]. On April 1, 2011, this Court ordered the Clerk of Courts to forward a third Pro Se package to the Plaintiff for completion. [ECF No. 7]. The Court further ordered the Plaintiff to file a complaint pursuant to the guidelines included in the package on or before April 20, 2011, or his case would be dismissed with prejudice for his failure to prosecute as recommended by the Magistrate Judge in her Report and Recommendation dated March 11, 2011. [ECF No. 7]. After de novo review of the documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 26th day of April, 2011;

IT IS HEREBY ORDERED that the Plaintiff's case is DISMISSED with prejudice for failure to prosecute.

The Report and Recommendation [ECF No. 5] of Magistrate Judge Baxter, filed on March 11, 2011, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge